



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,819	03/31/2004	Spunky A. Raymond	1842-0010	5056
28/078 7590 08/18/2009 MAGINOT, MOORE & BECK, LLP CHASE TOWER 111 MONUMENT CIRCLE SUITE 3250 INDIANAPOLIS, IN 46204			EXAMINER WOODALL, NICHOLAS W	
			ART UNIT 3775	PAPER NUMBER
			MAIL DATE 08/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Application No.****Applicant(s)**

10/813,819

RAYMOND ET AL.

**Response to Rule 312 Communication****Examiner****Art Unit**

Nicholas Woodall

3775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 23 July 2009 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The applicant argues that the amendment as proposed claims the full scope of the invention and does not require further search and/or consideration by the examiner because the claim still requires the locking cams to lock the cartridge to the track and that the prior art of record does not show the limitations as proposed. First, the examiner would like to note that the limitation as proposed was never provided during the prosecution of the applicant, which is why the limitation as proposed would require further search and/or consideration. The limitations directed to the mechanism that locks the cartridge to the advancement gun was first introduced in the amendment filed on 03/19/2008, wherein claim 21 included a broad means for limitation directed to a removable mount for the cartridge and track, and claim 22 further limited the means for limitation to include locking cams on the cartridge and pivotable latches on the advancement gun. Claim 21 was rejected by the examiner in the office action mailed 07/29/2008 and claim 22 was objected to as being allowable if written in independent form including all the limitations of the base claim and intervening claims. The limitation as proposed was never considered during the prosecution of the application because the claims never included the limitation as proposed. Therefore, the claim as proposed would require further search and/or consideration and will not be entered by the examiner.

/Thomas C. Barrett/  
Supervisory Patent Examiner, Art Unit 3775

/Nicholas Woodall/  
Examiner, Art Unit 3775